

07 OCT 2008



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In re Application of :
Katsura Izul et al :
Application No.: 10/581,861 : DECISION ON
PCT No.: PCT/JP2004/018665 :
Int. Filing Date: 03 December 2004 : PETITION
Priority Date: 05 December 2003 :
Attorney's Docket No.: 1026350-000100 : UNDER 37 CFR 1.181
For: METHOD TO CONFER... FOMALDEHYDE :

This decision is in response to the "PETITION TO CORRECT NOTICE OF ACCEPTANCE PCT/DO/EO/903 AND OFFICIAL FILING RECEIPT," filed on 07 August 2008 which is being treated as a petition under 37 CFR 1.181 requesting that the 371(c)(1), (c)(2), and (c)(4) date of the above application be corrected to August 07, 2006.

BACKGROUND

On 05 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and a copy of the international application and a translation into English of the international application was provided with the transmittal letter. However, no executed declaration was submitted at such time.

On 20 February 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicants, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from the date of this Notice or 32 months from the priority date of the application. Failure to properly will result in abandoned.

In response to the "NOTIFICATION OF MISSING REQUIREMENTS" mailed on 20 February 2008, applicant filed a copy of an executed declaration that was allegedly filed with the USPTO on August 7, 2006.

On 14 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 03 March 2008.

On 07 August 2008, applicants filed this petition indicating that the correct 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) date is 07 August 2006 as evidence by the USPTO stamped postcard.

DISCUSSION

Applicants' present petition accompanied by a copy of the following documents, filed purportedly, *inter alia*, with the PTO as indicated in the stamped postcard:

- (1) Executed Declaration
- (2) Transmittal Letter for Missing Parts of the Application

The postcard lists the above items and bears a USPTO date of stamp as 07 August 2006.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicants' postcard is accepted as *prima facie* that the executed declaration was deposited with the U.S. Patent and Trademark Office on 07 August 2006.


Accordingly, the date of receipt for the Specification is 07 August 2006.

DECISION

The petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 14 February 2008 is **VACATED** with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **07 August 2006**.


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